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**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**Attorney Docket No. 42253/205410

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SYSTEMS AND METHODS FOR DYNAMIC BANDWIDTH  
MANAGEMENT ON A PER SUBSCRIBER BASIS IN A  
COMMUNICATIONS NETWORK,**

the specification of which

☐ is attached hereto

OR

☒ was filed on 10/20/2000 as United States Application No. 09/693,481.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

(None)			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

60/161,182	10/22/1999
Application Number	Filing Date (MM/DD/YYYY)
Application Number	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

(None)		
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application. No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below and with Nomadix, Inc. to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

**Customer Number 000826; and  
J. Rick Taché, Esq., Reg. No. 36,027**

Direct correspondence to the  
attention of and telephone calls to:

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Full name of  
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Inventor's  
Signature: Joel E. Short Date: 11/5/00

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Inventor's

Signature:

*Delley*

Date:

*12 / 09 / 00*

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Full name of  
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Mark F. Logan

Inventor's  
Signature:



Date:

12/5/00

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Full name of  
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Inventor's

Signature:



Date:

12/28/00

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Citizenship:

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney's Docket No. 42253/205410

Applicant, Patentee, or Identifier: Short, Delly, Logan and Toomey  
Application No. or Patent No.: 09/693,481  
Filed or Issued: October 20, 2000  
Title: SYSTEMS AND METHODS FOR DYNAMIC  
BANDWIDTH MANAGEMENT ON A PER  
SUBSCRIBER BASIS IN A COMMUNICATIONS  
NETWORK

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the  
concern identified below:

NAME OF SMALL BUSINESS CONCERN: Nomadix, Inc.  
ADDRESS OF SMALL BUSINESS CONCERN: 31355 Agoura Road  
Westlake Village, California 91361

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121., and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements

as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
☐ Individual      ☐ Small Business      ☐ Nonprofit Organization

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
☐ Individual      ☐ Small Business      ☐ Nonprofit Organization

Separate statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

NAME OF PERSON SIGNING: J. Rick Taché

TITLE OF PERSON OTHER THAN OWNER: Senior Vice President, Corporate  
Development, General Counsel

ADDRESS OF PERSON SIGNING: 31355 Agoura Road, Westlake Village, CA 91361

SIGNATURE: 

DATE: 10/15/2000

CLT01/4453842v1